

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Filed by: Trial Section Merits Panel
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Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BENJAMIN I. LEE

Junior Party,
(Patent 5,292,332)¹

v.

ERNST JANZEN, GUNTER RUTTIGERS
and LAWRENCE SAPER

Senior Party
(Application 08/399,535)²

Patent Interference No. 105,115

FAXED

FEB 25 2004

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Before LEE, LANE and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

JUDGMENT – RULE 640

¹ Based on Application 07/918,614, filed July 27, 1992. The real party in interest is Datascope Investment Corp. Paper No. 31.

² Filed on March 7, 1995. Accorded the benefit of Application 08/318,380, filed October 5, 1994, Application 07/746,339, filed August 16, 1991, and Application 07/634,478, filed December 27, 1990. The real party in interest is Datascope Investment Corp. Paper No. 8.

Interference No. 105,115

Lee v. Janzen

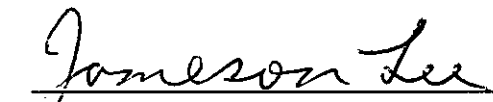
On February 2, 2004, an order was issued for junior party Lee to show cause why judgment should not be entered against the junior party for failing to file a preliminary statement. Paper No. 30. The junior party has not filed a response. Accordingly, it is now appropriate to enter judgment. It is


ORDERED that judgment as to the subject matter of Count 1 shall be entered against junior party BENJAMIN I. LEE;

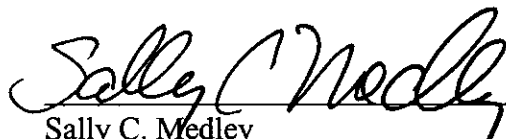
FURTHER ORDERED that junior party BENJAMIN I. LEE is not entitled to its patent claims 1, 11-13, 16-18, 20, 37 and 38 which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be placed in the respective involved application or patent of the parties.


Jameson Lee)
Administrative Patent Judge)


Sally Gardner Lane)
Administrative Patent Judge)


Sally C. Medley)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 105,115
Lee v. Janzen

By Facsimile:

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